

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Apr 11, 2022**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SHAWN LEE C.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

NO: 1:21-CV-3113-RMP

ORDER GRANTING PARTIES'  
STIPULATED MOTION TO  
REMAND

BEFORE THE COURT is the parties' Stipulated Motion to Remand pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 13. Plaintiff Shawn C.<sup>1</sup> is represented by attorney D. James Tree. The Commissioner of Social Security is represented by Special Assistant United States Attorney Kelly Arefi.

After consideration, **IT IS HEREBY ORDERED** that the parties' Stipulated Motion for Remand, **ECF No. 13**, is **GRANTED**. Pursuant to the parties'

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<sup>1</sup> The Court uses Plaintiff's first name and last initial to protect his privacy.

1 stipulation, the Commissioner’s final decision is **reversed and remanded** for  
2 further proceedings pursuant to sentence four of 42 U.S.C. §405(g). Pursuant to the  
3 parties’ agreement, upon remand to the Commissioner of Social Security, the  
4 Appeals Council will direct the Administrative Law Judge (“ALJ”) to:

- 5 • re-evaluate the medical opinion evidence of record;
- 6 • re-evaluate Plaintiff’s subjective complaints and Plaintiff’s residual  
7 functional capacity;
- 8 • continue the sequential evaluation, including obtaining supplemental  
9 vocational expert testimony, if necessary;
- 10 • offer Plaintiff an opportunity for a new hearing, taking any further  
11 action needed to complete the administrative record; and
- 12 • issue a new decision.

11 *See* ECF No. 13 at 1–2.

12 Upon proper presentation, this Court will consider Plaintiff’s application for  
13 costs and attorney’s fees under 28 U.S.C. §§ 1920, 2412(d).

14 **IT IS FURTHER ORDERED** that Plaintiff’s Motion for Summary  
15 Judgment, **ECF No. 10**, is **DENIED AS MOOT**.

16 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this  
17 Order, provide copies to counsel, enter judgment in favor of Plaintiff, and **close the**  
18 **file**.

19 **DATED** April 11, 2022.

20 *s/ Rosanna Malouf Peterson*  
21 ROSANNA MALOUF PETERSON  
Senior United States District Judge